

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Thursday, June 5, 2003 – 9:00 a.m. – Room 416 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. David Ure, House Chair
Sen. Mike Dmitrich
Sen. Ed Mayne
Sen. Michael G. Waddoups
Rep. Judy A. Buffmire
Rep. Merlynn T. Newbold

Members Absent:

President Al Mansell
Rep. James R. Gowans
Speaker Martin R. Stephens

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Cassandra N. Bauman, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the committee secretary at 538-1032.

1. Committee Business

Chair Stephenson called the meeting to order at 9:15 a.m. President Mansell and Rep. Gowans were excused from the meeting.

MOTION: Sen. Mayne moved to approve the minutes of the May 14, 2003 meeting. The motion passed unanimously with President Mansell, Sen. Waddoups, Rep. Gowans, and Speaker Stephens absent for the vote.

2. Need for Rules Governing Scenic Byway Designation

Sen. Dmitrich introduced the issue. He explained that signage is limited on scenic byways and that the issue was brought to the Committee to determine whether this issue is regulated by administrative rule or if it is allowed under statute, and if so, whether the law should be changed to allow more signs on scenic byways.

Mr. Spence Kinard, Assistant Director, Utah Travel Counsel, and Ms. Margaret Godfrey, Chair, Utah State Scenic Byway Committee, explained the duties of the Utah State Scenic Byway Committee. Ms. Godfrey responded to questions.

Mr. Lyle McMillan, UDOT (Utah Department of Transportation), explained the scenic byway program as administered by UDOT. He indicated that there could be a 10 percent federal funding deduction for noncompliance.

Mr. Mark Burns, Assistant Attorney General, indicated that UDOT has the authority to make rules governing scenic byways and that the Utah State Scenic Byway Committee was created by the Transportation Commission to study and designate state scenic byways. He distributed "Resolution Concerning the Adoption of a Utah Scenic Byway System," "Criteria for Scenic Byways," and "Scenic Byways" and responded to questions. Committee discussion followed.

Mr. Dale Stapley, UDOT, spoke to the Committee.

Rep. Ure expressed concern that there is no clear statutory grant of authority for the Scenic Byway Committee's existence and its process for designating scenic byways.

MOTION: Rep. Ure moved to write a letter to the Transportation Interim Committee requesting a study of the issue to determine a procedure for designating state scenic byways without eliminating the possibility of obtaining federal funds and to review what statutory changes may be needed. He also requested that the item be placed on an Administrative Rules Review Committee agenda later this interim.

Committee discussion followed.

The motion passed unanimously with President Mansell, Rep. Gowans, and Speaker Stephens absent for the vote.

3. 2003 General Session Legislation Impacting State Agency Rulemaking

Mr. Hunsaker distributed and explained "Bills Impacting State Agency Rulemaking Authority."

Committee discussion followed.

MOTION: Rep. Newbold moved that the issue come back at a later meeting with responses from state agencies regarding the rules they are writing to comply with bills passed in the 2003 General Session. The motion passed unanimously with President Mansell, Rep. Gowans, and Speaker Stephens absent for the vote.

4. Other Items / Adjourn

Chair Stephenson requested that Mr. Ken Hansen, Director, Division of Administrative Rules, bring a copy of an old Utah State Bulletin to show the progress in rulewriting which has been made over the years.

Rep. Ure requested that the "Bills Impacting State Agency Rulemaking Authority" or a similar list be considered for publication in a future edition of the monthly Interim Highlights distributed by the Office of Legislative Research and General Counsel as a way to educate legislators about the impact the bills they sponsor have on state agency authority and workload.

Future meetings are tentatively scheduled for Wednesday, June 25 and Wednesday, July 9, 2003 at 9:00 a.m.

MOTION: Rep. Ure moved to adjourn the meeting. The motion passed unanimously with President Mansell, Rep. Gowans, and Speaker Stephens absent for the vote.

Chair Stephenson adjourned the meeting at 11:02 a.m.